

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See instructions for "Service of Process by U.S. Marshal"

PLAINTIFF United States of America		COURT CASE NUMBER C.A. No. 05-95E	
DEFENDANT BREND A L. HAND a k a BRENDA L. BRYNDEL		TYPE OF PROCESS Writ of Execution/Notice of Sale	
SERVE AT			
NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN BRENDA L. HAND a/k/a BRENDA L. BRYNDEL			
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 700 DAYTON PIKE, DAYTON, <u>KENTUCKY</u> 41074-1623			
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW Gary W. Darr, Esquire McGrath & Associates, PC Three Gateway Center 401 Liberty Avenue, 13 th Floor Pittsburgh, PA 15222		Number of process to be Served with this Form 285	
		Number of parties to be served in this case	
		Check for service on U.S.A.	
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (<i>Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service</i>): Serve the above individual by certified mail, return receipt requested. If mail is returned "unclaimed", serve personally. Must serve before October 31, 2005, which is 30 days before the date of the sale. When filing your return on this 285 form, please attach extra set of copies of mailed documents which we provided herewith.			
Signature of Attorney or other Originator requesting service on behalf of 		<input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	TELEPHONE NUMBER (412) 281-4333
		DATE September 29, 2005	
SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE			
I acknowledge receipt for the total number of process indicated. <i>(Sign only for USM 285 if more than one USM 285 is submitted)</i>	Total Process	District of Origin	District to Serve
Signature of Authorized USMS Deputy or Clerk			
I hereby certify and return that I <input type="checkbox"/> have personally served, <input checked="" type="checkbox"/> have legal evidence of service, <input type="checkbox"/> have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.			
<input type="checkbox"/> I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)			
Name and title of individual served (if not shown above)		<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode	
Address (complete only if different than shown above)		Date 10/24/05	Time <input type="checkbox"/> am <input type="checkbox"/> pm
		Signature of U.S. Marshal or Deputy 	
Service Fee 	Total Mileage Charges Including endeavors	Forwarding Fee	Total Charges 822
		Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
REMARKS: 106-05 9842 8019 7715			

PRIOR EDITIONS
MAY BE USED

PRINT 5 COPIES:

1. CLERK OF COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGEMENT OF RECEIPT

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	C.A. No. 05-95E
v.)	
)	
BRENDA L. HAND a/k/a)	
BRENDA L. BRYNDEL,)	
)	
Defendant.)	
)	

WRIT OF EXECUTION

United States of America)	
Western District of Pennsylvania)	ss:
)	

To the United States Marshal Western District of Pennsylvania:

To satisfy judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property:

ALL those certain pieces, parcels or lots of land situate, lying and being in the Borough of Ridgway, Elk County, Pennsylvania, bounded and described as follows, to wit:

FIRST – BEGINNING: at a point in the south line of Powell Street forty-eight feet westerly from an iron pin at the intersection of the south line of Powell Street with the west line of Harvard Avenue; thence South two degrees thirty minutes East (S. 2° 30' E.) one hundred twenty-five (125) feet to the northern line of the proposed extension of Cardott Street, as shown on map of Slade's Subdivision of Powell's Addition to the Borough of Ridgway as surveyed by A. H. Shaffer, C. E. in May 1907; thence South eighty-seven degrees thirty minutes West (S. 87° 37' W.) along the north line of said proposed Cardott Street Extension forty-five (45) feet to the southeast corner of Lot No. 3 and the southwest corner of Lot No. 2, as shown on the hereinbefore mentioned plan of lots; thence along the eastern line of Lot No. 3, North two degrees thirty minutes West (N. 2° 30' W.) one hundred twenty-five (125) feet to a point in the south line of Powell Street; thence easterly along the southern line of Powell Street, forty-five (45) feet to the place of beginning.

CONTAINING five thousand, six hundred twenty-five (5,625) square feet of land, more or less, and being Lot No. 2 of Slade's Subdivision of Powell's addition hereinbefore mentioned.

SECOND - BOUNDED on the North by the south line of Powell Street; on the East by land owned by Charles R. Slade; on the South by the north line of Cardott Street Extension and on the West by lot owned by C. G. Malin.

BEGINNING: at an iron pin in the south line of Powell Street at the northeast corner of Malin's lot and the northwest corner of the lot herein described; thence along Malin's east line one hundred twenty-five and one-tenth foot to the north line of Cardott Street Extension; thence along said north line of Cardott Street Extension, North eighty-seven degrees thirty minutes East (N. $87^{\circ} 30'$ E.) ninety-two and six-tenths (92.6) feet to a post in the north line of said Cardott Street Extension; thence North two degrees thirty minutes West (N. $2^{\circ} 30'$ W.) one hundred twenty-five (125) feet to a point in the South line of Powell Street; thence along said south line of Powell Street, South eighty-seven degrees thirty minutes West (S. $87^{\circ} 30'$ W.) eighty-seven and two-tenths (87.2) feet to the place of beginning.

BEING Lot No. 3 of Slade's Subdivision of Lots 254 and 255 as shown on the Powell Plan of Powell's Addition to the Borough of Ridgway.

SUBJECT to all exceptions, reservations, conditions, restrictions, rights of way and easements as fully as the same are contained in all prior duly recorded deeds or duly recorded instruments, or in any other manner touching or affecting the premises hereby conveyed.

BEING the same premises which Thomas C. Detwiler and Kathleen M. Detwiler, husband and wife, by deed dated May 31, 1990 and recorded May 31, 1990 in the Recorder of Deeds Office of Elk County, Pennsylvania, in Book Volume 267, page 130, granted and conveyed unto Brenda L. Hand.

Principal	\$	64,909.80
Interest to 07/27/05 (date of judgment)	\$	30,686.56
Interest Credit Subject to Recapture	\$	4,668.00
Total	\$	100,264.36

plus interest from July 27, 2005 at 3.80% per annum, reasonable attorneys' fees and collection costs.

Seal of the Court

Date August 15, 2005.

R.V. Barth, Jr.
CLERK OF COURT

Nicole McKinnon
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	
)	C.A. No. 05-95E
Plaintiff,)	
vs.)	
)	
BRENDA L. HAND a/k/a)	
BRENDA L. BRYNDEL,)	
)	
Defendant.)	

NOTICE OF MARSHAL'S SALE OF REAL ESTATE

TO: **DEFENDANT, LIEN HOLDERS, JUDGMENT HOLDERS AND PARTIES IN INTEREST**

This is to notify you that the real estate owned by Brenda L. Hand a/k/a Brenda L. Bryndel known as 207 Powell Street, Ridgway, PA 15853, and more fully described below, will be sold at United States Marshal's Sale on November 28, 2005 at 11:00 a.m. The sale will take place at the Conference Room located in the Basement of the Elk County Courthouse, Main Street, Ridgway, PA 15853. The property is:

ALL those certain pieces, parcels or lots of land situate, lying and being in the Borough of Ridgway, Elk County, Pennsylvania, bounded and described as follows, to wit:

FIRST – BEGINNING: at a point in the south line of Powell Street forty-eight feet westerly from an iron pin at the intersection of the south line of Powell Street with the west line of Harvard Avenue; thence South two degrees thirty minutes East (S. 2° 30' E.) one hundred twenty-five (125) feet to the northern line of the proposed extension of Cardott Street, as shown on map of Slade's Subdivision of Powell's Addition to the Borough of Ridgway as surveyed by A. H. Shaffer, C. E. in May 1907; thence South eighty-seven degrees thirty minutes West (S. 87° 37' W.) along the north line of said proposed Cardott Street Extension forty-five (45) feet to the southeast corner of Lot No. 3 and the southwest corner of Lot No. 2, as shown on the hereinbefore mentioned plan of lots; thence along the eastern line of Lot No. 3, North two degrees thirty minutes West (N. 2° 30' W.) one hundred twenty-five (125) feet to a point in the south line of Powell Street; thence easterly along the southern line of Powell Street, forty-five (45) feet to the place of beginning.

CONTAINING five thousand, six hundred twenty-five (5,625) square feet of land, more or less, and being Lot No. 2 of Slade's Subdivision of Powell's addition hereinbefore mentioned.

SECOND - BOUNDED on the North by the south line of Powell Street; on the East by land owned by Charles R. Slade; on the South by the north line of Cardott Street Extension and on the West by lot owned by C. G. Malin.

BEGINNING: at an iron pin in the south line of Powell Street at the northeast corner of Malin's lot and the northwest corner of the lot herein described; thence along Malin's east line one hundred twenty-five and one-tenth foot to the north line of Cardott Street Extension; thence along said north line of Cardott Street Extension, North eighty-seven degrees thirty minutes East (N. $87^{\circ} 30'$ E.) ninety-two and six-tenths (92.6) feet to a post in the north line of said Cardott Street Extension; thence North two degrees thirty minutes West (N. $2^{\circ} 30'$ W.) one hundred twenty-five (125) feet to a point in the South line of Powell Street; thence along said south line of Powell Street, South eighty-seven degrees thirty minutes West (S. $87^{\circ} 30'$ W.) eighty-seven and two-tenths (87.2) feet to the place of beginning.

BEING Lot No. 3 of Slade's Subdivision of Lots 254 and 255 as shown on the Powell Plan of Powell's Addition to the Borough of Ridgway.

SUBJECT to all exceptions, reservations, conditions, restrictions, rights of way and easements as fully as the same are contained in all prior duly recorded deeds or duly recorded instruments, or in any other manner touching or affecting the premises hereby conveyed.

BEING the same premises which Thomas C. Detwiler and Kathleen M. Detwiler, husband and wife, by deed dated May 31, 1990 and recorded May 31, 1990 in the Recorder of Deeds Office of Elk County, Pennsylvania, in Book Volume 267, page 130, granted and conveyed unto Brenda L. Hand.

The sale is held pursuant to a judgment entered against you at Civil Action No. 05-95E in the United States District Court for the Western District of Pennsylvania, captioned United States of America v. Brenda L. Hand a/k/a Brenda L. Bryndel and a Writ of Execution issued on the judgment in the amount of \$100,264.36, plus interest from the date of judgment at 3.80% per annum and future costs to be added.

All parties interested and claimants are hereby given notice that a schedule of distribution will be filed by the United States Marshal for the Western District of Pennsylvania not later than 30 (thirty) days after sale and distribution will be made in accordance with the schedule unless exceptions are filed thereto within ten (10) days thereafter.

Claims against the property must be filed at the Office of the United States Marshal before above sale date. **(Please forward a copy of any claim filed with the United States Marshal to Gary W. Darr, Esquire, Counsel for the United States of America at: McGrath & Associates, P.C., Three Gateway Center, 401 Liberty Avenue, 13th Floor, Pittsburgh, PA 15222.)**

Claims to proceeds must be made with the Office of the United States Marshal before distribution.

Attached hereto is a copy of the Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

YOU SHOULD TAKE THIS NOTICE AND THE WRIT OF EXECUTION TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL ADVICE.

*Elk County Courthouse
P.O. box 237
Ridgeway, PA 15853
(814) 776-5344*

You may have legal rights to prevent the Marshal's Sale and the loss of your property. In order to exercise those rights, prompt action on your part is necessary. A lawyer may be able to help you.

You may have the right to prevent or delay the Marshal's Sale by filing, before the sale occurs, a petition to open or strike the judgment or a petition to stay the execution.

If the judgment was entered because you did not file with the Court any defense or objection you might have had within twenty (60) days after a Notice of Lawsuit and Request for Waiver of Service of Summons was sent to you or within twenty (20) days after personal service of the Complaint, you may have a right to have the judgment opened if you promptly file a motion with the Court alleging a valid defense and a reasonable excuse for failing to file the defense on time. If the judgment is opened, the Sale would ordinarily be delayed pending a trial of the issue of whether the plaintiff has a valid claim entitling it to foreclose upon or sell the real property.

You may also have the right to have the judgment stricken if there has not been valid service of the Complaint or if the judgment was entered before sixty (60) days after service of Notice of Lawsuit and Request for Waiver of Service of Summons was sent to you or within twenty (20) days after personal service of the Complaint or in certain other events. To exercise this right, you would have to file a motion to strike the judgment.

If judgment was entered against you by confession, you may not have certain of the rights set forth above, but you still may have the right to move to have the confessed judgment opened or stricken on proper grounds.

You may also have the right to petition the Court to stay or delay the execution and the Marshal's Sale if you can show a defect in the Writ of Execution of service or demonstrate any other legal or equitable right.

You may also have the right to have the Marshal's Sale set aside if the property is sold for a grossly inadequate price or if there are defects in the Marshal's Sale. To exercise this right, you should file a petition with the Court after the sale and before the

Marshal has delivered his deed to the property. The Marshal will deliver the deed if no petition to set aside sale is filed within ten (10) days from the date when the Schedule of Distribution is filed in the office of the Marshal.

McGRATH & ASSOCIATES, P.C.

By: 

Gary W. Darr, Esquire
McGrath & Associates, P.C.
Three Gateway Center
401 Liberty Avenue, 13th Floor
Pittsburgh, PA 15222
Counsel for Plaintiff
United States of America
PA I.D. No. 90857
Telephone (412) 281-4333
Facsimile (412) 281-2141

MARSHAL'S SALE: By virtue of a Writ of Execution issued out of the U. S. Court for the W. D. of PA at suit of the USA at C.A. No. 05-95E, I shall expose to public sale the real property of Brenda L. Hand a/k/a Brenda L. Bryndel known as 207 Powell Street, Ridgway, PA 15853, bounded and described as follows:

ALL those certain pieces, parcels or lots of land situate, lying and being in the Borough of Ridgway, Elk County, Pennsylvania, bounded and described as follows, to wit:

FIRST – BEGINNING: at a point in the south line of Powell Street forty-eight feet westerly from an iron pin at the intersection of the south line of Powell Street with the west line of Harvard Avenue; thence South two degrees thirty minutes East (S. $2^{\circ} 30'$ E.) one hundred twenty-five (125) feet to the northern line of the proposed extension of Cardott Street, as shown on map of Slade's Subdivision of Powell's Addition to the Borough of Ridgway as surveyed by A. H. Shaffer, C. E. in May 1907; thence South eighty-seven degrees thirty minutes West (S. $87^{\circ} 37'$ W.) along the north line of said proposed Cardott Street Extension forty-five (45) feet to the southeast corner of Lot No. 3 and the southwest corner of Lot No. 2, as shown on the hereinbefore mentioned plan of lots; thence along the eastern line of Lot No. 3, North two degrees thirty minutes West (N. $2^{\circ} 30'$ W.) one hundred twenty-five (125) feet to a point in the south line of Powell Street; thence easterly along the southern line of Powell Street, forty-five (45) feet to the place of beginning.

CONTAINING five thousand, six hundred twenty-five (5,625) square feet of land, more or less, and being Lot No. 2 of Slade's Subdivision of Powell's addition hereinbefore mentioned.

SECOND - BOUNDED on the North by the south line of Powell Street; on the East by land owned by Charles R. Slade; on the South by the north line of Cardott Street Extension and on the West by lot owned by C. G. Malin.

BEGINNING: at an iron pin in the south line of Powell Street at the northeast corner of Malin's lot and the northwest corner of the lot herein described; thence along Malin's east line one hundred twenty-five and one-tenth foot to the north line of Cardott Street Extension; thence along said north line of Cardott Street Extension, North eighty-seven degrees thirty minutes East (N. $87^{\circ} 30'$ E.) ninety-two and six-tenths (92.6) feet to a post in the north line of said Cardott Street Extension; thence North two degrees thirty minutes West (N. $2^{\circ} 30'$ W.) one hundred twenty-five (125) feet to a point in the South line of Powell Street; thence along said south line of Powell Street, South eighty-seven degrees thirty minutes West (S. $87^{\circ} 30'$ W.) eighty-seven and two-tenths (87.2) feet to the place of beginning.

BEING Lot No. 3 of Slade's Subdivision of Lots 254 and 255 as shown on the Powell Plan of Powell's Addition to the Borough of Ridgway.

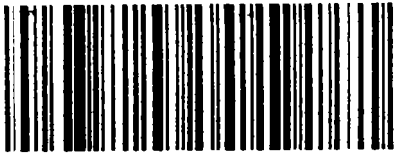
SUBJECT to all exceptions, reservations, conditions, restrictions, rights of way and easements as fully as the same are contained in all prior duly recorded deeds or duly recorded instruments, or in any other manner touching or affecting the premises hereby conveyed.

BEING the same premises which Thomas C. Detwiler and Kathleen M. Detwiler, husband and wife, by deed dated May 31, 1990 and recorded May 31, 1990 in the Recorder of Deeds Office of Elk County, Pennsylvania, in Book Volume 267, page 130, granted and conveyed unto Brenda L. Hand.

TIME AND LOCATION OF SALE: November 28, 2005 at 11:00 a.m. at the Conference Room located in the Basement of the Elk County Courthouse, Main Street, Ridgway, PA 15853.

TERMS OF SALE: Successful bidder will pay ten percent (10%) by certified check and the remainder of the bid within thirty (30) days from the date of the sale and in the event bidder cannot pay the remainder, the property will be resold and all monies paid in at the original sale will be applied to any deficiency in the price at which the property is resold. Notice is hereby given that a Schedule of Distribution will be filed by me on the thirtieth day after the date of sale, and that distribution will be made in accordance with the Schedule unless exemptions are filed thereto within ten (10) days thereafter. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Marshal's costs, fees and commissions are to be borne by seller. Thomas Fitzgerald, United States Marshal. For information visit www.resales.usda.gov or call Michelle Hartzell at (610) 775-5474.

2. Article Number



7160 3901 9842 8019 7715

3. Service Type **CERTIFIED MAIL**4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

BRENDA L. HARK
AKA BRENDA L. BRYNDEL
700 DAYTON PIKE
DAYTON, KENTUCKY 41074-1623

S-95E, WED/NOTICE, 10/6/05, SRB

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) <i>Brenda Bryndel</i>	B. Date of Delivery <i>10.24</i>
C. Signature <i>x Brenda Bryndel</i>	
<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
D. Is delivery address different from item 1? If YES, enter delivery address below:	
<input type="checkbox"/> Yes <input type="checkbox"/> No	